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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,592	12/18/2000	Brian Cruickshank	91436-309	1679

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EXAMINER

ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/737,592	Applicant(s) CRUICKSHANK, BRIAN	
	Examiner Meless N Zewdu	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on 7/9/04.
2. Claims 25 and 26 have been cancelled in this amendment.
3. Claims 1-24 and 27 pending in this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich (US 6,097,941) in view of Helferich (US 6,636,733 B1) and further in view of Akahane (US 5,881,104).

As per claim 1: a method of providing voice messaging services comprising:

Communicating with voice messaging repository to receive a voice message at said handheld computing device reads on '941 (see abstract; col. 2, lines 11-14, lines 23-47; fig. 3, element 100; col. 4, lines 46-56). Element 100 is a handheld device. Particularly, col. 2, lines 11-14, teaches about downloading, digitizing and store voice messages via radio link.

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Locally storing said received voice message reads on '941 (see abstract; col. 3, line 67-col. 4, line 8). Element 5 in figure 2 is a message storage device.

Locally providing an interface to said user allowing said user to indicate an action to perform on said received voice message reads on '941 (see fig. 2, element 3; col. 7, lines 12-18, 23-44; col. 7, line 63-col. 8, line 30). But, Helferich does not explicitly teach about receiving a voice message file comprising audio portion and information portion, as claimed by applicant. However, in a related field of endeavor, Helferich's second reference (Us 6,636,733 B1) teaches that a mobile phone can receiver an e-mail message that has an attached file containing a voice message, wherein the email text message includes a message (audio) portion and header information, an alert and message code which identifies the attachment (see col. 3, lines 22-33; col. 6, lines 64-col. 7, line 14; col. 10, line 35-col. 11, line 59). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Helferich's first reference with the second one for the advantage of remote retrieval of messages (see abstract). But, Helferich's combined references do not explicitly teach about compressing and decompressing voice message, as claimed by applicant. However, in a related field of endeavor, Akahane teaches about a voice message exchange system wherein the transmitting and receiving sides (mobile phones) include voice data compression, decompression and storing capabilities and the compressed voice data is exchanged through a wireless communication network (see figs. 1 and 3; col. 4, lines 46- 59; col. 6, line 32-col. 7, line 2; col. 7, line 41-col. 9, line 52). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made

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to further modify Helferich's references with that of Akahane for the advantage of providing portable voice messaging devices for transmitting/receiving a voice message with inexpensive air charge (see col. 2, lines 1-3). It is obvious that a voice message compression/decompression can be adapted to other communication devices (including repositories and servers) in a similar manner as Akahane's transmitting/receiving devices.

As per claim 2: the method further comprising:

Receiving an indication of said action to perform on said received voice message reads on '914 (col. 5, lines 1-46).

Responsive to receiving said indication, performing said action reads on '914 (see col. 5, lines 1-17).

As per claim 3: the method wherein said action is "play" and said performing said action further comprises:

Generating an audio signal from said received voice message reads on '941 (see col. 8, lines 34-50).

Outputting said audio signal to an audio output device associated with said handheld device reads on '941 (see 5, lines 1-17; col. 6, lines 45-56; col. 8, lines 36-50).

As per claim 4: the method wherein said action is "delete" and said performing said action further comprises further communicating with said voice messaging repository to indicate a deletion of said received voice message reads on reads on '941 (see col. 7, line 45-col. 8, line 14; col. 9, lines 15-23).

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As per claim 5: the method wherein said action is “forward” and said performing said action further comprises:

Receiving an indication of an intended recipient of said received voice message reads on ‘941 (see col. 5, lines 18-46).

Further communicating with said voice messaging repository to transfer information identifying said intended recipient reads on ‘941 (see col. 5, line 61-col. 6, line 4).

As per claim 6: the method wherein said information identifying said intended recipient is a telephone number reads on ‘941 (see col. 5, lines 18-25). The calling identifier (CI) of the prior art can be a telephone number.

As per claim 7: the method wherein said indication is is a name and said method further includes locally mapping said name to said telephone number reads on ‘941 (see col. 8, lines 35-60).

As per claim 8: the method further comprising:

Extracting, from said received voice message, information related to said received message reads on ‘941 (see col. 5, lines 18-46; col. 8, lines 36-60).

Using said interface to present said information related to said received voice message reads on ‘941 (see fig. 2, block 3; col. 5, lines 1-17; col. 8, lines 36-60).

As per claim 9: the method wherein said interface comprises a display of said information related to said received voice message reads on ‘941 (see col. 3, line 49-col. 4, line 8; col. 5, lines 1-17).

As per claim 15: the method wherein said voice messaging repository is a voice messaging server and wherein said communicating with said voice messaging server

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occurs over a public switched telephone network reads on '941 (see fig. 3, block 35; col. 4, lines 46-67; col. 6, lines 34-47).

As per claim 16: the method further comprising establishing a connection to said public switched telephone network reads on '941 (see fig. 3; col.2, lines 23-67; col. 3, lines 46-67).

As per claim 17: the method further comprising generating dual tone multi-frequency tones for said communicating with said voice messaging server reads on '941 (see 1, lines 38-46).

As per claim 18: the method wherein said compressed file format is MP# format reads on '306 (see col. 1, lines 33-57).

As per claim 19: the method further comprising, before said communicating with said voice messaging repository to receive said voice message, receiving an indication of arrival of a voice message from said voice messaging repository reads on '941 (see col.

As per claim 20: the method wherein said indication of arrival includes details associated with said received voice message reads on '941 (see col. 5, lines 47-60; col. 6, lines 14-33).

As per claim 21: the method wherein said communication with said voice messaging repository further comprises indicating to said voice messaging repository a status of voice messages previously received at said handheld device reads on '941 (see 5, lines 47-60).

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As per claim 22: the method wherein, for each of said previously received voice messages, said status is one of unplayed, deleted, sent and unsent reads on '941 (see col. 7, lines 45-63).

As per claim 23: a handheld device comprising:

Means for communicating with a voice messaging repository to receive a voice message reads on '941 (see abstract; col. 2, lines 23-47; fig. 3, element 100; col. 4, lines 46-56).

Means for locally storing said received voice message reads on '941 (see abstract; col. 3, line 67-col. 4, line 8).

Means for locally providing an interface to said user allowing said user to indicate an action to perform on said received voice message reads on '941 (see fig. 2, element 3; col. 7, lines 12-18, 23-44; col. 7, line 63-col. 8, line 30). But, Helferich does not explicitly teach about a means for receiving a voice message file comprising audio portion and information portion, as claimed by applicant. However, in a related field of endeavor, Helferich's second reference (Us 6,636,733 B1) teaches that a mobile phone can receiver an e-mail message that has an attached file containing a voice message, wherein the email text message includes a message (audio) portion and header information, an alert and message code which identifies the attachment (see col. 3, lines 22-33; col. 6, lines 64-col. 7, line 14; col. 10, line 35-col. 11, line 59). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Helferich's first reference with the second one for the advantage of remote retrieval of messages (see abstract). But, Helferich's combined references do

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not explicitly teach about compressing and decompressing means for voice message, as claimed by applicant. However, in a related field of endeavor, Akahane teaches about a voice message exchange system wherein the transmitting and receiving sides (mobile phones) include voice data compression, decompression and storing capabilities and the compressed voice data is exchanged through a wireless communication network (see figs. 1 and 3; col. 4, lines 46- 59; col. 6, line 32-col. 7, line 2; col. 7, line 41-col. 9, line 52). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify Helferich's references with that of Akahane for the advantage of providing portable voice messaging devices for transmitting/receiving a voice message with inexpensive air charge (see col. 2, lines 1-3). It is obvious that a voice message compression/decompression can be adapted to other communication devices (including repositories and servers) in a similar manner as Akahane's transmitting/receiving devices.

As per claim 24: a computer readable medium containing computer-executable instructions which, when performed by a processor in a handheld device, causes the processor to:

Communicate with a voice messaging repository to receive a voice message reads on '941 (see abstract; col. 2, lines 23-47; fig. 3, element 100; col. 4, lines 46-56).

Locally store said received voice message reads on '941 (see abstract; col. 3, line 67-col. 4, line 8).

Locally provide an interface to said user allowing said user to indicate an action to perform on said received voice message reads on '941 (see fig. 2, element 3; col. 7, lines 12-18, 23-44; col. 7, line 63-col. 8, line 30). But, Helferich does not explicitly teach about receiving a voice message file comprising audio portion and information portion, as claimed by applicant. However, in a related field of endeavor, Helferich's second reference (Us 6,636,733 B1) teaches that a mobile phone can receiver an e-mail message that has an attached file containing a voice message, wherein the email text message includes a message (audio) portion and header information, an alert and message code which identifies the attachment (see col. 3, lines 22-33; col. 6, lines 64-col. 7, line 14; col. 10, line 35-col. 11, line 59). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Helferich's first reference with the second one for the advantage of remote retrieval of messages (see abstract). But, Helferich's combined references do not explicitly teach about compressing and decompressing voice message, as claimed by applicant. However, in a related field of endeavor, Akahane teaches about a voice message exchange system wherein the transmitting and receiving sides (mobile phones) include voice data compression, decompression and storing capabilities and the compressed voice data is exchanged through a wireless communication network (see figs. 1 and 3; col. 4, lines 46- 59; col. 6, line 32-col. 7, line 2; col. 7, line 41-col. 9, line 52). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify Helferich's references with that of Akahane for the advantage of providing portable voice messaging devices for transmitting/receiving a voice message

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with inexpensive air charge (see col. 2, lines 1-3). It is obvious that a voice message compression/decompression can be adapted to other communication devices (including repositories and servers) in a similar manner as Akahane's transmitting/receiving devices.

Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to claims 1 above and further in view of Luzeski et al. (Luzeski) (US 6,301,245 B1).

As per claim 10: but, the references applied to claim 1 above do not explicitly teach about the method wherein said voice messaging repository is a desktop personal computer and said communicating with said voice messaging repository occurs over a wired connection, as claimed by applicant. However, in a related field of endeavor, Luzeski teaches about a universal messaging system wherein subscribers can access messages from a personal computer via the internet using a standard Web browser with a Java script that presents each subscriber with a universal "inbox" that displays all of that subscriber's voice, fax and e-mail messages (see fig. 3, element 20; fig. 5; abstract; col. 3, line 43-col. 4, line 31; col. 5, line 66-col. 6, line 60). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to add Luzeski's universal messaging system to the above references for the advantage of providing subscribers a universal messaging service that utilizes the internet as taught by Luzeski (see col. 3, lines 43-50).

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As per claim 11: the method wherein said voice messaging repository is a voice messaging server and wherein said communicating with said voice messaging server occurs over a wired connection reads on '245 (see fig. 5; col. 3, lines 43-67).

As per claim 12: the method further comprising establishing a connection to said data network reads on '245 (see col. 3, lines 45-67).

As per claim 13: the method further comprising employing the internet protocol for said communicating with said voice messaging server reads on '245 (see abstract; col. 3, lines 43-67; col. 4, lines 1-25).

As per claim 14: the method further comprising employing the Hyper-Text Transfer protocol for said communicating with said voice messaging server reads on '245 (see col. 6, lines 42-60).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boxter, Jr. (Boxter) (US 6,385,306 B1) in view of Helferich (US 6,636,733 B1).

As per claim 27: a voice messaging repository comprising:

Receiving a voice message reads on '306 (see col. 10, lines 6-23).

Storing said received voice message in a first file format reads on '306 (see col. 10, lines 6-23, particularly, lines 18-19).

Converting and compressing said received voice message from said first file format to a second file format reads on '306 (see col. 10, lines 19-22; col. 6, line 63-col. 7, line 23; col. 1, lines 33-52).

Transmitting said voice message in said second file format reads on '306 (see col. 10, lines 22-23; col. 6, line 63-col. 7, line 23). The system encode, compress and attach the

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audio file to generate a message file in a format different from the source. In other words, the audio message format is changed from a first (un-encoded and uncompressed) to encoded and compressed. But Boxter does not explicitly teach about a message file comprising audio portion and information portion stored in one or more text fields provided for in said file format, as claimed by applicant. However, in a related field of endeavor, Helferich teaches that a mobile phone can receiver an e-mail message (from the system) that has an attached file containing a voice message, wherein the email text message includes a message (audio) portion and header information, an alert and message code which identifies the attachment (see col. 3, lines 22-33; col. 6, lines 64-col. 7, line 14; col. 10, line 35-col. 11, line 59). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Helferich's first reference with the second one for the advantage of remote retrieval of messages (see abstract).

Response to Arguments

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu

M. Z.

Examiner

24 November 2004.